

**RESOLUTION NO. 2663-10**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR FINDING AND DETERMINING THAT THE USE OF MONIES FROM THE LOW AND MODERATE INCOME HOUSING FUND OUTSIDE THE BOUNDARIES OF THE WINDSOR REDEVELOPMENT PROJECT AS AMENDED BY THE PROPOSED FIFTH AMENDMENT WILL BENEFIT THE PROJECT AREA AND AUTHORIZING THE EXPENDITURE OF SUCH FUNDS**

**WHEREAS**, the Sonoma County Board of Supervisors adopted Ordinance No. 3378 on November 27, 1984, approving and adopting the Redevelopment Plan for the Windsor Redevelopment Project (“Redevelopment Plan” or “Plan”); and

**WHEREAS**, jurisdiction of the Windsor Redevelopment Project Area (“Project Area”) was transferred from the County of Sonoma Community Development Commission to the Town of Windsor Redevelopment Agency (“Agency”) by a Transfer Agreement dated February 24, 1993, and effective July 1, 1993, prepared pursuant to Health and Safety Code Section 33215; and

**WHEREAS**, the Agency, a public body corporate and politic, is a redevelopment agency duly organized pursuant to Community Redevelopment Law [(“CRL”)] (California Health and Safety Code Section 33000 et seq.) and pursuant thereto has responsibility to carry out the Redevelopment Plan for the Project Area and to formulate a redevelopment project or projects within the Town of Windsor; and

**WHEREAS**, the Redevelopment Plan has been amended four times (as amended, the “Existing Plan”) to, among other things, conform the limits as required by Assembly Bill 1290, increase the financial limits, extend eminent domain and add public improvements, extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1045 by one year for payments made to the Education Revenue Augmentation Fund (“ERAF”) in fiscal year 2003/04, and to extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1096 for two years for payments made to the ERAF in fiscal years 2004/05 and 2005/06; and

**WHEREAS**, the Agency again desires to amend the Existing Plan (“Fifth Amendment” or “Amendment”) to: 1) extend plan effectiveness by 10 years; 2) extend the time period for collection of tax increment/repayment of debt by 10 years; 3) increase the tax increment limit; 4) increase the bond debt limit; 5) repeal the debt establishment limit; 6) re-establish eminent domain over non-residential uses; 7) add certain public improvements and facilities to the list of eligible projects and facilities the Agency may undertake; 8) add territory; and 9) make certain technical corrections to the Redevelopment Plan; and

**WHEREAS**, on August 19, 2009, by Resolution No. 2531-09, the Town Council designated a redevelopment survey area and directed the Planning Commission of the Town of Windsor (“Planning Commission”) to select the boundaries of the area to be added to the Project Area from within the boundaries of the redevelopment survey area and formulate a Preliminary Plan for the redevelopment of the proposed added areas; and

**WHEREAS**, on August 25, 2009, the Planning Commission of the Town of Windsor (“Planning Commission”), by Resolution No. 573-09, selected and designated the boundaries of the area proposed to be included within the Project Area (“Fifth Amendment Added Area” or “Added Area”), approved a Preliminary Plan and submitted said Preliminary Plan to the Agency; and

**WHEREAS**, on October 21, 2009, the Agency, by Resolution No. 2561-09 RDA, accepted the Preliminary Plan and directed preparation of a Preliminary Report for the Fifth Amendment; and

**WHEREAS**, the Agency has prepared a proposed Amended and Restated Redevelopment Plan (“Amended and Restated Redevelopment Plan”) incorporating the Fifth Amendment; and

**WHEREAS**, on December 2, 2009, by Resolution No. 2592-09 RDA, the Agency approved the Preliminary Report for the Fifth Amendment to the Redevelopment Plan for Windsor Redevelopment Project and authorize transmittal of the report to the affected taxing agencies, the Department of Finance (“DOF”), the Department of Housing and Community Development (“HCD”) and other interested persons and organizations; and

**WHEREAS**, on December 2, 2009, by Resolution No. 2593-09 RDA, the Agency received the Fifth Amendment as incorporated in the Amended and Restated Redevelopment Plan and authorized the transmittal of the Amended and Restated Redevelopment Plan to the Planning Commission for its report and recommendation and to the affected taxing agencies and other interested persons and organizations; and

**WHEREAS**, on December 2, 2009, by Resolution No. 2594-09 RDA, the Agency accepted and authorized the circulation of the Draft Environmental Impact Report prepared for the Fifth Amendment; and

**WHEREAS**, on December 2, 2009, by Resolution No. 2595-09, the Town Council determined that a Project Area Committee need not be formed in the preparation of the Fifth Amendment and directed the Fifth Amendment be provided to and the Agency consult with residents, property owners, business owners, and existing civic and business organizations; and

**WHEREAS**, on December 8, 2009, the Planning Commission, by Resolution No. 576-09, determined the Amended and Restated Redevelopment Plan to be consistent with the Town of Windsor General Plan and recommended that the Agency and Town Council approve and adopt the Fifth Amendment; and

**WHEREAS**, on February 17, 2010, the Agency, by Resolution No. 2619-10 RDA, amended the Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences to Business Occupants in the Windsor Redevelopment Project Area; and

**WHEREAS**, on February 17, 2010, the Agency, by Resolution No. 2618-10 RDA, approved and adopted the Agency’s Report to Town Council on the Fifth Amendment, submitted said Report and Amended and Restated Redevelopment Plan to the Town Council, consented to a

joint public hearing with the Town Council on the Fifth Amendment and authorized and directed the transmittal of the Report to Town Council with the notice of the joint public hearing to each of the affected taxing entities, HCD, DOF and to other interested persons and organizations; and

**WHEREAS**, on February 17, 2010, the Town Council, by Resolution No. 2620-10, acknowledged receipt of the Report to Town Council and the Fifth Amendment as incorporated in the Amended and Restated Redevelopment Plan from the Agency and consented to and call for a joint public hearing with the Agency on the Fifth Amendment; and

**WHEREAS**, CRL Sections 33334.2 and 33334.6 require that no less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to CRL Section 33670 shall be deposited into a separate low and moderate income fund ("Low and Moderate Income Housing Fund") and used by the Agency for purposes of increasing, improving and preserving the community's supply of extremely low, very low, low and moderate income housing; and

**WHEREAS**, commencing in the first fiscal year following the date of adoption of the ordinance approving and adopting the Fifth Amendment, the amount of the deposit into the Low and Moderate Income Housing Fund attributable to the taxes allocated to the Agency from the original Project Area, pursuant to Section 33670 of the CRL shall be increased to 30 percent (30%) as required by CRL Section 33333.10(g) and shall be used by the Agency as required by the CRL except as specifically limited by subdivisions (f) and (g) of CRL Section 33333.10; and

**WHEREAS**, subsection (g) of CRL Section 33334.2 authorizes the Agency to use monies from the Low and Moderate Income Housing Fund inside or outside the Project Area but authorizes the Agency to use the funds outside the Project Area only upon resolutions of the Agency and the Town Council finding that such use will be of benefit to the Project Area; and

**WHEREAS**, the Town Council desires by this resolution to declare that the expenditures of monies from the Low and Moderate Income Housing Fund outside the Project Area as amended by the Fifth Amendment for purposes authorized under the CRL are and will be of benefit to the Project Area as amended by the Fifth Amendment.

**NOW, THEREFORE BE IT RESOLVED:**

**Section 1:** The foregoing recitals are true and correct and are a substantive part of this resolution.

**Section 2:** The Town Council hereby finds and determines that the expenditures of monies from the Low and Moderate Income Housing Fund outside the Project Area as amended by the Fifth Amendment for purposes authorized under the CRL are and will be of benefit to the Project Area as amended by the Fifth Amendment.

**Section 3:** The Agency is authorized to expend monies from the Low and Moderate Income Housing Fund inside and/or outside the Project Area as amended by the Fifth Amendment for purposes authorized by the CRL.

PASSED, APPROVED AND ADOPTED this 7th day of April 2010 by the following vote:

AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SCHOLAR AND  
MAYOR SALMON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



---

SAM SALMON, MAYOR

ATTEST:



---

MARIA DE LA O, TOWN CLERK